

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Daniel E. Owens and Barbara S. Owens,)	CASE NO: 09-CV-0479-MJR
)	
)	CJRA TRACK: D
Plaintiff(s),)	JUDGE ASSIGNED: Michael J. Reagan
)	
vs.)	JURY TRIAL:
)	July 25, 2011, 09:00 AM
Apple, Inc.,)	
)	FINAL PRETRIAL CONF:
Defendant(s).)	July 8, 2011, 10:00 AM
)	

UNIFORM TRIAL PRACTICE AND PROCEDURES

In conformity with the Civil Justice Reform Act of 1990, and in compliance with the Civil Justice Expense and Delay Reduction Plan adopted by this Court, the following uniform procedures will apply to all civil cases filed in the Southern District of Illinois.

Scheduling Practice

Trial settings and other scheduling will vary depending on the track assigned to the case by the District Judge to whom the case is randomly assigned. There are four tracks designated "A," "B," "C," and "D." Track A cases are set for trial 8 to 10 months after the date of first appearance by a defendant or default. Track B cases are set for trial 11 to 14 months after the date of first appearance by a defendant or default. Track C cases are set for trial 15 to 18 months after the date of first appearance by a defendant or default. Track D cases are set for trial 19 to 24 months after the date of first appearance by a defendant or default.

Except in cases exempted under SDIL-LR 16.2(a), the attorneys and any unrepresented parties must meet in accord with SDIL-LR 16.2(a) at least 21 days before any scheduling conference set by the Court to candidly discuss the issues in the case and potential discovery needs. **FED.R.CIV.P. 26(f)**. Within 14 days after this meeting, and at least 7 days before the scheduling conference, the participants must submit a Joint Report of the Parties and Proposed Scheduling and Discovery Order to the Magistrate Judge before whom the conference is set.

All track B, C, and D cases will be set for a scheduling and discovery conference before a Magistrate Judge within 40 days after the first appearance of a defendant in cases filed, removed, or transferred to this District Court. The scheduling conference may be canceled at the discretion of the Court following receipt of the Joint Report of the Parties regarding their initial meeting. The Magistrate Judge may approve the Joint Report of Parties and Proposed Scheduling and Discovery Order or may enter a separate Scheduling Order, as circumstances require.

For cases assigned to Judge Reagan (assuming the parties have not consented to trial by a Magistrate Judge), a firm trial date will be set rather than a presumptive trial month, and the final pretrial conference will be held at least seven days before the firm trial date.

The policy of this District Court is to require the parties to confer and submit a joint Final Pretrial Order three days before the final pretrial conference. **See SDIL-LR 16.2(a)**. For Judge Reagan's cases, the Final Pretrial Order (if jointly prepared and signed) may be presented *at* the final pretrial conference. Additionally, the Final Pretrial Order must be prepared using Judge Reagan's form, which is available on the Court's website. Log on to www.ilsd.uscourts.gov. From

the options listed on the left side of the screen select “Judges.” Choose “Judge Michael J. Reagan” and then “Civil Cases.” The section on Final Pretrial Orders contains a hyperlink to Judge Reagan’s form.

Disclosures and Discovery Practice

Except in cases exempted under SDIL-LR 26.1, the parties shall comply with the initial disclosure requirements of Federal Rule of Civil Procedure 26(a). These disclosures must be supplemented by the parties, depending on the nature of the case and any limitations placed on discovery at the scheduling conference. The disclosures and supplementation are not to be filed with the Clerk of Court.

A party may not seek discovery from another source until (a) the party seeking discovery has made its initial disclosures as required by Federal Rule of Civil Procedure 26(a), and (b) the parties have met and conferred as required by SDIL-LR 16.2(a). A party may not seek discovery from another party before such disclosures have been made by, or are due from, the other party.

The cut-off date for all discovery, including experts and third parties, shall be not later than 115 days prior to Judge Reagan’s firm trial date. Disclosure of experts and discovery with reference to experts and other discovery dates will be set according to the Joint Report of the Parties following their initial meeting or at the scheduling and discovery conference before the Magistrate Judge.

Motion Practice

Motions to remand, motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, and all post-trial motions shall be supported by a brief .

Adverse parties have 30 days after service of a motion/brief to file a response. Motions/briefs and responses shall be no longer than 20 double-spaced typewritten pages in 12 point font. **Reply briefs are not favored and should be filed only in exceptional circumstances.** Reply briefs, if any, shall be filed within 14 days of service of the response and shall be no longer than 5 pages. Sur-reply briefs are not permitted.

For all **movements other than those listed above**, a supporting brief is not required. A party opposing such a motion shall have 14 days after service of the motion to file a written response. Failure to file a timely response to the motion, in the Court's discretion, may be considered an admission of the merits of the motion. **Reply briefs are not favored and should be filed only in exceptional circumstances.** Reply briefs, if any, shall be filed within 7 days of service of the response.

Judge Reagan has special deadlines for **Motions in Limine and Daubert Motions.** Counsel should consult Judge Reagan's web page (part of the District Court's web site at www.ilsd.uscourts.gov) for details.

Parties may not “notice up” hearings or set oral arguments on pending motions. Any party who would like oral argument on a pending motion shall file a formal motion stating the reasons why oral argument is requested. Motions may be (1) scheduled by the Court for oral argument, (2) set for determination by telephone conference call, (3) referred to a Magistrate Judge for determination or recommendation, or (4) resolved upon the pleadings without benefit of oral argument.

**FOR THE COURT
NANCY J. ROSENSTENGEL
CLERK OF COURT**

- **Many forms referenced in this document are included as attachments to the December 2009 Revised Local Rules of this Court or may be downloaded, free of charge, from the District Court web site at www.ilsd.uscourts.gov. Be aware, however, that Judge Reagan’s forms (e.g., Final Pretrial Order, Exhibit List, etc.) contain modifications of the standard forms and should be downloaded directly from Judge Reagan’s own web page.**

Revised 12/08/2009